

ASSEMBLY BILL

No. 528

Introduced by Assembly Member Aghazarian

February 21, 2007

An act to add and repeal Section 13849 of the Penal Code, relating to graffiti prevention, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 528, as introduced, Aghazarian. Graffiti prevention: "Tag, You're It" Act of 2007.

Existing law establishes various crime prevention programs.

This bill would establish a graffiti prevention pilot program, to be known as the "Tag, You're It" Act of 2007, to fund, through grants, specified graffiti prevention and prosecution efforts in 5 counties, as specified and administered by the Office of Emergency Services. The bill would require a report to the Legislature and the Governor, not later than January 1, 2011, regarding the program, as specified. The bill would provide that these provisions would be repealed as of January 1, 2012.

The bill would appropriate \$5,000,000 from the General Fund to the Office of Emergency Services to fund the program.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited as, the
- 2 "Tag, You're It" Act of 2007.
- 3 SEC. 2. The Legislature finds and declares the following:

1 (a) The California Research Bureau estimates that the statewide
2 cost of graffiti abatement is potentially upwards of \$350 million
3 annually.

4 (b) Public costs, borne entirely by local governments, were
5 estimated at over \$255 million.

6 (c) Costs to businesses, property owners, and individuals
7 constituted an additional \$80 million annually.

8 (d) In addition, this estimate does not include the amount of
9 wasted time and energy spent by individuals and local governments
10 cleaning graffiti when they could be engaged in more productive
11 behavior.

12 (e) The survey also found that Santa Rosa spent \$250,000 on
13 graffiti cleanup.

14 (f) According to the city's Legislative Analyst, the city and
15 county of San Francisco spent \$22 million on graffiti abatement
16 in 2005.

17 (g) Smaller cities also face high costs. The city of Gardena, a
18 suburb of Los Angeles, estimates the cost of its graffiti abatement
19 program at \$150,000 a year.

20 (h) The city of Escondido, a suburb of San Diego, spent about
21 \$150,000 a year on graffiti cleanup according to its Graffiti Task
22 Force.

23 (i) Graffiti vandalism imposes heavy costs on California
24 communities. A 2002 survey of communities by Public
25 Technology, Inc., found that the City of Los Angeles spends about
26 \$55 million per year on graffiti removal, the City of San Jose
27 spends about \$3 million, and in 1999 Sacramento County spent
28 about \$500,000. A February 2005 Legislative Analyst report
29 estimated that the City and County of San Francisco spends \$22
30 million per year in cleanup and repair costs. In 1998, the United
31 States Department of Justice estimated that vandalism costs
32 schools, homeowners, businesses, youth, and others nationwide
33 more than \$15 billion a year.

34 (j) Graffiti vandalism is often associated with gang crime and
35 leads to a sense that a neighborhood is unsafe.

36 (k) In an article in the March 1982 issue of the Atlantic Monthly
37 titled "Broken Windows," criminologists James Q. Wilson and
38 George Kelling argued that quality of life crimes like vandalism
39 lead to a sense of community disorder and that this creates an

1 atmosphere in which more disorder and more serious crime will
2 follow.

3 (l) Californians have a right to feel safe in their communities.
4 Widespread graffiti vandalism sends the message that public spaces
5 are not safe and community pride is negatively impacted.

6 (m) Many jurisdictions have not devoted sufficient resources
7 to investigating and prosecuting graffiti vandalism because of
8 resource constraints, the prevalence of other crimes in the
9 jurisdiction, and other enforcement priorities.

10 (n) The state should provide additional resources to jurisdictions
11 that are willing to dedicate resources to address graffiti vandalism,
12 aggressively investigate and prosecute graffiti vandalism, and
13 ensure that graffiti vandalism is promptly removed and affected
14 property owners compensated for losses resulting from graffiti
15 vandalism.

16 SEC. 3. Section 13849 is added to the Penal Code, to read:

17 13849. (a) There is hereby established in the Office of
18 Emergency Services, Division of Law Enforcement and Victim
19 Services, a pilot program of financial and technical assistance
20 designated as the “Tag, You’re It” Graffiti Vandalism Prevention
21 and Prosecution Program.

22 (b) The allocation and award of funds under this section shall
23 be made on application executed by:

24 (1) A county district attorney.

25 (2) The county sheriff, a police chief within the county of the
26 district attorney filing the application, or both the sheriff and one
27 or more police chiefs within that county. The application shall
28 state that the district attorney and law enforcement applicants
29 jointly agree to work collaboratively to address the problem of
30 graffiti vandalism in the jurisdiction covered by the application.
31 The application need not apply to the entire county, but may apply
32 to one or more cities, unincorporated area, or some other
33 geographic subset of the county designated by the applicants.

34 (3) The Board of Supervisors of the county shall approve any
35 application submitted by the district attorney and agree to make
36 the required matching funds available for the program, if selected
37 for funding. If applicable, the city council representing the city of
38 a police chief joining the application shall also do so.

39 (c) (1) The Office of Emergency Services, Division of Law
40 Enforcement, shall select five applications in five counties for

1 funding pursuant to this section. One county selected for funding
2 shall be located in Northern California. One county selected for
3 funding shall be located in Central California. Three counties
4 selected for funding shall be located in Southern California. The
5 Office of Emergency Services, Division of Law Enforcement and
6 Victim Services, shall select applications based upon a competitive
7 process. Selected programs shall be required to demonstrate that
8 they have a well-documented plan for collaboration between the
9 district attorney's office, local law enforcement, and any local
10 graffiti abatement programs, if those programs exist in the applicant
11 county. The lack of a preexisting graffiti abatement program shall
12 not disqualify an applicant from being awarded funds pursuant to
13 this section. Successful applicants shall also demonstrate a serious
14 graffiti vandalism problem in that jurisdiction and a level of graffiti
15 vandalism in the applying jurisdiction sufficient to justify
16 dedicating substantial state resources to graffiti vandalism
17 investigation and prosecution in that jurisdiction.

18 (2) Funding for successful applicants pursuant to this section
19 shall allocate grant funds on the following basis:

20 (A) Sixty percent to law enforcement for identification,
21 investigation, arrest, and related costs associated with graffiti
22 vandalism.

23 (B) Thirty percent to the district attorney for costs associated
24 with prosecution of graffiti vandalism. The district attorney shall
25 assign at least one deputy district attorney to manage a dedicated
26 graffiti vandalism caseload and shall employ a vertical prosecution
27 methodology.

28 (C) Ten percent to the jurisdiction covered by the application
29 for costs associated with graffiti removal. The jurisdiction shall
30 agree to allocate at least 50 percent of these funds to private
31 property owners whose property was damaged by graffiti vandalism
32 in order to compensate the property owner for the cost of cleanup
33 activity or to defray costs expended by a government entity
34 cleaning up damage caused by graffiti vandalism on private
35 property. No more than 50 percent of these funds shall be used to
36 reimburse government entities within the jurisdiction for
37 uncompensated graffiti removal costs incurred as a result of damage
38 on government-owned property.

39 (3) Successful applicants shall agree that they will vigorously
40 attempt to ensure that convicted graffiti vandals are required to

1 perform community service, including graffiti cleanup, and
2 required to provide restitution to victims of graffiti vandalism,
3 including government entities. The district attorney shall agree to
4 request that the court order such conditions for persons convicted
5 of graffiti vandalism wherever appropriate.

6 (4) Successful applicants shall agree to work collaboratively
7 with probation departments and any gang suppression programs
8 operating in the jurisdiction to identify linkages between graffiti
9 vandalism and other criminal activity in the jurisdiction and shall
10 use a multipronged approach to combating graffiti vandalism.

11 (5) Successful applicants shall be encouraged to collaborate
12 with after-school programs, gang prevention programs, and similar
13 organizations in an effort to prevent graffiti vandalism.

14 (d) The Office of Emergency Services shall report to the
15 Governor and the Legislature, not later than January 1, 2011, on
16 how the funds allocated pursuant to this section were expended,
17 the number of arrests, prosecutions, and convictions obtained, the
18 number of graffiti cleanup sites funded, and any other information
19 deemed relevant by the office for determining whether the program
20 has been successful and cost-effective in cleaning up graffiti
21 vandalism, identifying the source of graffiti vandalism, bringing
22 graffiti vandals to justice, and deterring graffiti vandalism in the
23 community receiving grants under this program. The Office of
24 Emergency Services may require successful applicants to provide
25 any necessary statistics and other information required to complete
26 this report as a condition of receipt of program funds.

27 (e) Successful program applicants shall provide at least 25
28 percent in matching funds. Of this, not more than 50 percent shall
29 be in-kind match.

30 (f) The Office of Emergency Services may expend not more
31 than 5 percent of program funds for administrative costs and the
32 report specified in subdivision (c). The office shall provide
33 technical assistance to programs selected for funding and identify
34 effective strategies for preventing and combating graffiti vandalism
35 for those programs.

36 (g) Funds allocated pursuant to this section shall supplement,
37 not supplant, expenditures by the recipients.

38 (h) As used in this section:

39 (1) "Northern California" means Alameda, Alpine, Amador,
40 Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn,

1 Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa,
2 Nevada, Placer, Plumas, Sacramento, San Mateo, Santa Clara,
3 Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter,
4 Tehama, Trinity, Yolo, and Yuba Counties and the City and County
5 of San Francisco.

6 (2) “Central California” means Calaveras, Fresno, Inyo, Kern,
7 Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito,
8 San Joaquin, San Luis Obispo, Santa Barbara, Stanislaus, Tulare,
9 and Tuolumne Counties.

10 (3) “Southern California” means Imperial, Los Angeles, Orange,
11 Riverside, San Bernardino, San Diego, and Ventura Counties.

12 (i) This section shall remain in effect only until January 1, 2012,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2012, deletes or extends that date.

15 SEC. 4. The sum of five million dollars (\$5,000,000) is hereby
16 appropriated from the General Fund to the Office of Emergency
17 Services for the “Tag, You’re It” Graffiti Vandalism Prevention
18 and Prosecution Program, and may be spent as required for the
19 program without regard to fiscal years.